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Attorney Docket No: 0492611-0454

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kisiday, et al.

Examiner: Naff, D.

Serial No.: 09/778,200

Art Unit: 1651

Filing Date: February 6, 2001

Title: PEPTIDE SCAFFOLD ENCAPSULATION OF TISSUE CELLS
AND USES THEREOF

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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For Patents, P.O. Box 1450, Alexandria, VA 22313
on 4-11-05

Jandra Laccolla

Sir:

TRANSMITTAL LETTER

Enclosed please find the following documents regarding the above-referenced matter:

- 1) Response to Notice of Non-Compliant Amendment Under 37 C.F.R. § 1.121
(6 pages); and
- 2) Return Postcard.

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

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Dandra Saccoccia

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

UNDER 37 C.F.R. § 1.121

In response to the Notice of Non-Compliant Amendment mailed March 24, 2005, indicating that the listing of claims in the recently submitted Amendment (filed Feb. 17, 2005) does not include the text of all claims including withdrawn claims, and indicating that claim 40 is non-compliant, Applicant herewith submits a revised **Amendment to the Claims** section.

Upon review of the Amendment filed Feb. 17, 2005, it appears that claims 9-18, 21, 25, and 26 were indicated as canceled and that the text of all other claims was included. Applicant notes that under 37 C.F.R. § 1.121(c)(4)(ii), "No claim text shall be presented for any claim in the claim listing with the status of "canceled," and "Identifying the status of a claim as "canceled" will constitute an instruction to cancel the claim." Therefore Applicant submits that the text of all claims was presented in accordance with 37 C.F.R. § 1.121. However, claim 40 did not include a status identifier. Applicant herewith submits a corrected Amendment to the Claims in which claim 40 is given the status identifier "new", thus bringing the Amendment into compliance with 37 C.F.R. § 1.121.